



Transportation and Small Business Consortium

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Docket Clerk
Department of Transportation
400 7th Street SW Room PL401
Washington DC 20590

Attn: Docket No. FAA-2000-8431

I have been a FAA approved Consortium since 1990, I represent clients from Part 135 operators, Part 135.1 c operators, Maintenance organizations for the above and Repair Stations throughout the United States. We provide a full service Consortium/TPA.

Section VII. Medical Review Officer, Substance Abuse Professional, and Employers Responsibilities

You ask for comments in regards to making the requirement to follow Part 67 and Part 40. We think that you should make this issue very specific and clarify this issue.

Sections IX. Employer's Anitdrug Program

You ask for comments about the elimination of the approval process for consortiums. I understand the need for a "One DOT" but in this case I would like to see the rest of the Modes follow suit with the current FAA program with a variable. I think the idea of having to show the federal mode that as a Consortium you have procedures and documentation in place is an excellent idea. By having the approval process the FAA has made its industry and programs better by keeping those Consortium and Third Party Administrator (C/TPA's) out of the FAA unless they complete the approval process. Being an instructor and one of the developers of a National Consortium/TPA management course I have seen some C/TPA that may be under the level of proficiency that they should be in order to provide C/TPA services to any Transportation Employer. When we discuss the FAA approval process they say they are glad to see that not all of the modes have that process. I think that if you remove this requirement you will find that more C/TPA's will be providing services to Aviation clients and this will cause problems with compliance and safety.



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The change I would like to see is when a Consortium submits a “member plan” to the FAA for approval that it would be reviewed and if the C/TPA doesn’t hear within a specific period of time that it would indicate that the plan has been approved. This issue has put some of my clients out of business for 6-8 weeks.

As far as the words Consortium/Third Party Administrator (C/TPA), I think that if you leave the requirements of requiring C/TPA approval, that you should include both the Consortium and Third Party Administrator to this requirement, this would eliminate any confusion from service agents. I think that you should remove all “consortia” in your regulations and put Consortium/Third Party Administrators.

In the General Section, under definitions, I think that there is a need to explain the Scenic Aircraft Operator, Part 135.1 (c). You can find in any city with an airport to have at least one Scenic Aircraft operator who is in violation because they say they don’t have to comply or read anything in Part 135. I have numerous operators who say they don’t have to comply with Part 135 because they operate under Part 91. To ensure better compliance with your excellent program I think that this needs to be addressed in your definition of employer.

I think that the FAA along with all of the Federal Modes has done an excellent job in making the changes that are needed. I hope that more people take this chance to have a voice in how the program will be accomplished in the future.

If you have any questions please feel free to call,

Dean Klassy
COO



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